

REMARKS

The office action of May 27, 2004, has been carefully considered.

It is noted that claims 35-26 are rejected under 35 U.S.C. 103(a) over the patent to Metzner et al. in view of the patent to Rewitzer.

In view of the Examiner's rejections of the claims, applicant has canceled claim 36 and amended claim 35.

It is respectfully submitted that the claim presently on file differs essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Metzner et al., it can be seen that this patent discloses a rotary punch and die mechanism. The patent to Rewitzer discloses an apparatus for continuously cutting up material in sliver or strand form. The Examiner combined these references in determining that claims 35-36 would be unpatentable over such a combination. Applicant respectfully submits that neither of these references,

nor their combination, teach a high-speed shear as in the presently claimed invention. At the outset, it appears from Fig. 6 of Metzner that the knife edge 26 is not unyieldingly supported in view of the springs visible in Fig. 6. Also, Rewitzer teaches the cutter to have a cutting wheel by which the smallest pieces of a strip or web can be uniformly reduced in size. The teachings of Rewitzer do not address a fast moving cutter that makes single transverse cuts in a web traveling at 200-300 m/sec. Rewitzer deals with cutting a strip into small pieces and thus provides no motivation for modifying Metzner to arrive at the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 35-26 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

HM-244

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By 

Friedrich Kueffner
Reg. No. 29,482
317 Madison Avenue, Suite 910
New York, New York 10017
(212) 986-3114

Dated: August 24, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on August 24, 2004.

By: 
Friedrich Kueffner

Date: August 24, 2004